

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VANDA PHARMACEUTICALS)
INC.,)
) Plaintiff,)
)) C.A. No. 18-651 (CFC)
v.)) CONSOLIDATED
))
TEVA PHARMACEUTICALS USA,)
INC., et al.,)
) Defendants.)

**STIPULATION AND (PROPOSED) ORDER
REGARDING POST-TRIAL BRIEFING**

WHEREAS, a bench trial in this matter was held between March 28 and March 31, 2022, and

WHEREAS, the Court directed the parties to confer and submit a proposed schedule for post-trial briefing for the Court's consideration such that briefing is to be complete no later than May 26, 2022;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to the above-captioned action, subject to the approval of the Court, that post-trial briefing in the above-captioned matter shall proceed as follows:

Plaintiff's opening brief and proposed findings of fact on infringement and objective indicia of non-obviousness and Defendants' opening brief and proposed findings of fact on invalidity shall be filed no later than **April 26, 2022**. Each side's

opening brief shall include no more than **11,000** words¹ and each side's opening proposed findings of fact shall include no more than **12,500** words.

Plaintiff's responsive brief and proposed findings of fact on validity and Defendants' responsive brief and proposed findings of fact on non-infringement and objective indicia shall be filed no later than **May 17, 2022**. Each side's responsive brief shall include no more than **11,000** words and each side's responsive proposed findings of fact shall include no more than **12,500** words.

Plaintiff's reply brief on infringement and objective indicia and Defendant's reply brief on invalidity shall be filed no later than **May 26, 2022**. Each side's reply brief shall include no more than **6,000** words.

With the filing of the reply briefs, each side will provide via e-mail to the Court's case manager a Word copy of each of its as-filed briefs and findings of fact.

The parties will jointly file a Joint Appendix of exhibits cited in the briefs and findings of fact, with highlighting where appropriate, no later than **June 2, 2022**.

The parties shall provide to the Court DVD copies of their respective as-filed briefs and findings of fact hyperlinked to the trial transcript and exhibits no later than **June 2, 2022**.

¹ All word limits herein exclude non-substantive sections—e.g., caption, table of contents, table of authorities.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP SHAW KELLER LLP

/s/ Derek J. Fahnestock

Karen Jacobs (#2881)
Derek J. Fahnestock (#4705)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
kjacobs@morrisnichols.com
dfahnestock@morrisnichols.com

*Attorneys for Plaintiff
Vanda Pharmaceuticals Inc.*

OF COUNSEL:

Nicholas Groombridge
Eric Alan Stone
Josephine Young
Daniel J. Klein
Jennifer Rea Deneault
Michael F. Milea
Jacob M. Berman
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3000

/s/ Nathan R. Hoeschen

John W. Shaw (#3362)
Karen E. Keller (#4489)
Nathan R. Hoeschen (#6232)
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
kkeller@shawkeller.com
nhoeschen@shawkeller.com

*Attorneys for Defendant
Teva Pharmaceuticals USA, Inc.*

OF COUNSEL:

J.C. Rozendaal
Deirdre M. Wells
William H. Milliken
Sasha S. Rao
Michael Bruns
Byron L. Pickard
STERNE, KESSLER, GOLDSTEIN
& FOX P.L.L.C.
1100 New York Avenue, N.W.,
Suite 600
Washington, DC 20005
(202) 772-8747

COZEN O'CONNOR

/s/ Thomas Francella

Thomas Francella (#3835)
Kaan Ekiner (#5607)
1201 North Market Street, Suite 1001
Wilmington, DE 19801
(302) 295-2025
tfrancella@cozen.com
kekiner@cozen.com

*Attorneys for Defendants Apotex Inc.
and Apotex Corp.*

OF COUNSEL:

Barry P. Golob
W. Blake Coblenz
Aaron S. Lukas
COZEN O'CONNOR
1200 Nineteenth Street N.W.
Washington, DC 20036
(202) 912-4800

Keri L. Schaubert
COZEN O'CONNOR
3 WTC, 175 Greenwich Street, 55th Fl.
New York, NY 10007
(212) 509-9400

April 8, 2022

SO ORDERED, this ____ day of April, 2022.

Chief, United States District Judge